

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----  
Luther Lopez  
Plaintiff,

Case No:

Vs

Equifax, inc  
Equifax information services, LLC  
Defendant,  
-----

RECEIVED  
SDNY PRO SE OFFICE  
2024 MAY -8 PM 4:40

The Plaintiff, Luther Lopez, Pro se, brings this action against Equifax, inc and Equifax information services, LLC. ("Equifax" collectively) In support thereof, Plaintiff states the following:

**NATURE OF THIS ACTION**

1. This suit is seeking punitive, compensatory and injunctive relief for negligence, defamation, defamation per se, violation of the Electronic Fund Transfer Act (EFTA) 15 U.S.C. 1693 et seq, and the rules and regulations thereunder, the Fair Credit Reporting Act (FCRA) 15 U.S.C. 1691 et seq and the rules and regulations thereunder, New York General Business Law 349, New York Uniform Commercial Code 10203 and 4-103, violation of the Gramm-Leach-Bliley 16 C.F.R 314.3 (b)(2)-(3) and New York common law by inter alia, failing to conduct a good faith investigation into the fraudulent, incorrect, inaccurate report or/and information attached to Plaintiffs credit file, improperly holding Plaintiff to be defaulted on loans or/and accounts, failing to delete or/and remove inaccurate, derogatory information from Plaintiffs credit file.
2. This suit also seeks to remedy perhaps the most significant data breach in history.

3. Equifax has engaged in a pattern of negligence for years in regards to collecting, storing and selling consumers personal information, including but not limited to social security numbers, home and work addresses and other personal data of consumers.
4. Equifax has breached its duties to secure consumers data several times.
5. Based on information and belief Equifax consistently cuts corners in its data security practices. This had led to several thefts of data from Equifax, including, but not limited to: 1. In 2013, Equifax credit reports were stolen from the company, including, but not limited to Social Security numbers and banking data for Michelle Obama, Joe Biden, Donald Trump and others. 2. In March 2014, an individual or entity has repeatedly hacked the equifax identity verification process and obtained unauthorized credit reports over a period of nearly a year, without being detected between April 2013 and January 31, 2014.

#### **JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction over this action because it is brought under 28 U.S.C 1331, 1337 and 1345.
7. Venue is proper because Defendants are located or/and do business in this district. 12 usc 5564 (f).

#### **PARTIES**

8. The Plaintiff is a citizen of the State of New York and one of the affected consumers in the Equifax data breach.
9. Defendant Equifax inc is a Georgia corporation with its principal place of business located at 1550 Peachtree Street NW, Atlanta, GA 30309. Defendant Equifax Inc, through certain of its subsidiaries, including Equifax information Services, LLC and

Equifax Consumer Services, LLC transact or has transacted business in this District and throughout the United States. that generates, markets, and sells credit-related products, including but not limited to credit monitoring, credit scores, credit reports, credit monitoring or identity theft insurance or protection.

10. Defendant Equifax information services, LLC is a publicly traded company that is incorporated in Atlanta, GA and a subsidiary of Equifax Inc.

**COMMERCE**

11. At all times material to this complaint, Defendants have maintained a substantial course of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act 15 U.S.C. 44.

**DEFENDANTS 2017 DATA BREACH, 2013 and 2014**

12. On or about September 7, 2017, Defendant(s) publicly disclosed a massive data breach involving the theft of sensitive personal information from more than 147 million consumers. As described below, the breach resulted from defendants' failure and negligence to undertake numerous basic security measures to secure the PII stored in databases connected to the ACIS dispute portal.
13. Based on information and belief the defendants were always fully aware of their vulnerability, by their own employees and by government officials. However, despite being aware of such the defendant has repeatedly and consistently cut corners in its data security practices and maintained a culture of lax security. This has led to numerous thefts of data from the defendant.

14. In 2013 the defendant was hacked and credit reports were stolen from the company in a high profile unauthorized access incident, including social security numbers and banking data for michelle obama joe biden and others.
15. On or about March 2014 the defendant was hacked once again by an individual or entity located at a specific static IP address. The individual or entity was able to fool the defendant's identity verification process and obtain unauthorized credit reports for approximately one year or more without even being detected by the defendants.

### **COMPLAINT**

16. On or about February 22, 2024 the Plaintiff submitted a complaint to the Defendants in regards to incorrect, inaccurate and fraudulent personal information and/or accounts on the Plaintiffs credit file.
17. The Plaintiff provided a copy of the Plaintiffs drivers license with current address, 1099 and/or W2 irs form complete with plaintiff's social security number, utility bill and other supporting documentation to the Defendants. (as would be required)
18. In addition, the defendants provided a mechanism on the defendants website to determine if anyones social security number was compromised during the 2017 data breach. The plaintiff submitted his social security number to the defendants and the defendants confirmed that the plaintiffs social security number was in fact compromised.
19. On or about March 3, 2024 the plaintiff received a response from the defendants acknowledging receipt of complaint, but requesting the very same information that the plaintiff had already provided.
20. On or about March 15, 2024 the plaintiff filed a complaint with the CFPB (consumer financial protection bureau) allegeding deliberate and purposeful negligence.

21. On or about April 10, 2024 the defendants responded to the CFPB and sent a letter to the plaintiff requesting the same information that was already provided, but in addition claiming they can not locate my credit file.
22. Clearly for the defendants to claim they cannot locate the plaintiffs credit file after being provided the plaintiffs social security number is an outright lie and shows a possible link to engaging in a conspiracy with other third parties submitting incorrect and/or fraudulent accounts and/or information to the plaintiffs credit file.


**DEMAND FOR JURY TRIAL**

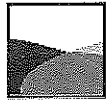
23. Plaintiffs demand a jury for all claims in this Complaint triable.

**PRAYER FOR RELIEF**

24. **WHEREFORE**, plaintiff respectfully request the following relief:
25. An order compelling Equifax to temporarily remove all the disputed accounts and/or information from the plaintiffs credit file until the case can be adjudicated.
26. Actual damages suffered by the plaintiff
27. Punitive damages, as allowable, in an amount to be determined by the court or jury.
28. Any and all statutory and enhanced damages.
29. The cost as provided by statute and common law or the courts inherent power.
30. Pre and post judgment interest and,
31. Such further relief as the court deems just and proper.

5-8-2024

A handwritten signature in black ink, appearing to read "L. Lopez", is written over the bottom right portion of the page.



**Hudson Valley**  
CREDIT UNION



# Accounts



● PRIMARY SAVINGS \*7486 0000

**\$4.99** Available Now

● SAVINGS \*7486 0001

**\$0.00** Available Now

● VISA PLATINUM RATE \*\*\*\*\*8586

**\$492.26** Current Balance

● PERSONAL ASSISTANCE LOAN

\*7486 0105

Payment Due: \$159.29 on May 30, 2024

**\$889.00** Current Balance



Accounts



Transfers



Bill Pay



Deposit Chec



More



**Hudson Valley**  
CREDIT UNION



● VISA PLATINUM RATE \*\*\*\*\*8586

**\$492.26** Current Balance

● PERSONAL ASSISTANCE LOAN

\*7486 0105

Payment Due: \$159.29 on May 30, 2024

**\$889.00** Current Balance

● PAL PLUS LOAN \*7486 0104

Payment Due: \$46.30 on Jun 1, 2024

**\$466.28** Current Balance



Link and View External Accounts



Accounts



Transfers



Bill Pay



Deposit Chec

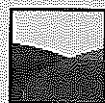


More

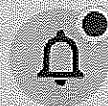


cricket LTE

8:57 AM



**HudsonValley**  
CREDIT UNION



# Accounts



● PRIMARY SAVINGS \*7486 0000

**\$4.99** Available Now

● SAVINGS \*7486 0001

**\$0.00** Available Now

● VISA PLATINUM RATE \*\*\*\*\*8586

**\$492 26** Current Balance



LUTHER P LOPEZ

Last login: May 7, 2024



Settings



Log out